

# FARMINGTON CITY PLANNING COMMISSION

Thursday, May 8, 2003

---

## **PLANNING COMMISSION REGULAR SESSION**

**Present:** Chairman Kent Forsgren, Bart Hill, Cindy Roybal, Cory Ritz, Jim Talbot, Jordan White, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman

**Chairman Forsgren** called the meeting to order at 7:00 P.M. **Cindy Roybal** offered the invocation.

## **APPROVAL OF MINUTES**

**Cindy Roybal** moved that the minutes of the April 24, 2003, Planning Commission Meeting be approved. **Jordan White** seconded the motion. The Commission voted unanimously in favor. **Bart Hill** abstained due to his absence during the April 24<sup>th</sup> meeting.

## **PUBLIC HEARING: BLAKEWOOD DEVELOPMENT LLC REQUEST FOR A RECOMMENDATION TO AMEND THE FARMINGTON CREEK ESTATES PHASE II PLANNED UNIT DEVELOPMENT MASTER PLAN LOCATED SOUTHEAST OF COUNTRY LANE, NORTH OF GLOVERS LANE, AND WEST OF THE OLD DRGW RR TRACKS IN AN AE ZONE (PUD) ZONE (S-8-98) (Agenda Item #2)**

### **Background Information**

The Master Development Plan for the Farmington Creek Estates Planned Unit Development Phase II, was approved on September 1, 1999. Several months later on June 20, 2001, the first plat of Phase II, containing 17 lots, was recorded. Now, the property owner desires to develop the third plat of Phase II stretching all the way to Glover's Lane. Originally the third plat of Phase II contained a 2.34 acre parcel of ground owned by Diument Investments Company. Now, this parcel is no longer part of the overall development plan for the property, hence the applicant is asking for an amendment to the final development plan.

Enclosed is a table which outlines the differences between the two master plans. Also enclosed for the Planning Commission review is Section 11-27-111, "Standards and Requirements" for planned unit developments which outlines criteria for density increases. Apparently the developer's engineer was able to get more lots on the yield plan this time around than previously, because the overall master plan is calling now for 61 lots instead of 58. This presents a major policy question for the Planning Commission, "Should the City amend the Development Agreement which places a cap of 58 total lots on the property?"

The developer is also proposing to put in a tot lot or park for residents of the subdivision

and a trail and develop all of these improvements himself. Before, the City shouldered the burden of improving these costs although the land was made available to the City. Now City staff is considering a recommendation to back off the City's original proposal to have a small pocket park in this area in lieu of the 17 + acre park being planned close to this area.

Finally, in 1999 the City Council required 15 of the 58 lots to be half acre or larger to accommodate any potential large animal owners in the subdivision. In his latest plan only three of the lots are half acre or larger in size.

END OF PACKET MATERIAL.

**Mr. Petersen** reviewed the background information. The withdrawal of the Diument property required that the site plan be altered. Mr. Petersen discussed ordinance specifications regarding density and bonuses. The new proposed plan could comply with ordinance requirements, although several tenets of the development agreement and previously approved requirements have been altered.

### **Public Hearing**

**Chairman Forsgren** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Blake Matthews** (developer) stated he was an experienced builder who had completed several developments in Davis and Weber Counties. He had never worked in Farmington. He stated his goal was to create a quality subdivision with upscale homes including landscaping and trail amenities. His plan was to build all the homes in the subdivision and not sell any lots to another builder. That way the entire subdivision would have unity and conform to quality standards. The homes would have a country, French feel. The redesign had been caused by the fact that the Diument property had been withdrawn from the development.

**Kathy Baumgardener** (west Farmington resident) raised concerns regarding those who own large animals in the west Farmington area. With the increase in the number of smaller lots in the area, the horse property owners are at risk. The original agreement with the developers was to have 15 large lots to buffer the area between the development and the existing large lot property owners. That number has been cut to 3. Many people moved to west Farmington because they wanted to live in the rural atmosphere. The rights of horse owners need to be maintained and protected.

**Irene Snow** (537 South 1025 West) complained that she had not been notified of the public hearing. It was her understanding that one of the builders of Phase I in the Farmington Creek Estates had promised the rest of the development would remain horse property. Phase II is currently not selling at all well. Much of it is in disrepair. The horse property in west Farmington must be protected. She stated the residents did not want the assisted living center in the area and now there are two.

**Heidi Ritz** (903 West 500 South) stated she lived just to the north of the proposed subdivision. It was her observation that every time a change is made to the plans, the lots get smaller and the density is increased. She felt strongly that the 15 large lots originally planned should be kept in order to buffer the existing horse property. Ms. Ritz felt the development plans seemed to be quality but the open space and the large lots must be kept as part of the design.

**Jeremy Everts** (owner of property on 1025 West) was opposed to high density development of any kind in the west part of Farmington. He felt that area should be kept as rural, farm land use. He was also concerned about water supply for all the development needs. He wanted to have the area kept for horse property.

**Lori Thompson** (950 South 500 West) had purchased her property as horse property. Her property is now land-locked because of the Farmington Creek Estates development, and if horse property is discontinued in west Farmington, her property will not be saleable. She felt that farming property adjacent to the development will be crowded out.

**Dave Reeder** (991 West Country Lane) stated he had purchased a lot in Phase II and built a home there a year ago. It was a custom home. He moved there with the understanding the neighboring lots would be horse property. He did not own a horse but felt that those who do should be supported. He also stated that he was also given the understanding that the flood plane issues would be resolved. They have not been. Mr. Reeder stated that property in Phase II was in very poor condition, which detracted from the value of his property. He wanted to have the developer keep promises made.

**William Reeder** (Glover Lane) asked what would happen to his property in the future. He was asked to speak with the City Planner privately.

**Ernie Hill** (900 West Glover Lane) asked questions relative to specifications for homes planned for the new development. He was worried that problems in Phase II were being ignored and Phase III was being pushed forward before the problems were solved. He stated there were safety problems with holes on property where construction had begun and then discontinued.

**John Coil** (553 South 1025 West) stated that he wanted to have the property in the new subdivision stay at a one-half acre minimum. He was a civil engineer and stated he had concerns about the load on the roads in west Farmington. He felt they had not be constructed to standards that would handle the load of construction vehicles.

**Teresa Daily** (resident on 950 West) felt strongly that Phase II should be completed in a quality manner before work on Phase III was started. She was very concerned about safety.

### **Public Hearing Closed**

With no further comments, **Chairman Forsgren** closed the public hearing. The Commission members discussed the issues, including the following points:

- Cory Ritz raised issues regarding wetland mitigation, open space requirements, non-selling lots/homes in Phase II, close proximity to farm uses, horse trails construction if horse property not included in the plans, expectations of and promises made to existing property owners, road engineering standards, and compliance with master plans. Mr. Ritz also said that the open foundation hole in Phase II needs to be addressed. There is rebar in the hole that poses a safety hazard for people and animals.
- Sid Young raised the issue of flood plane resolution and what guarantees had been given existing property owners within the Farmington Creek Estates to have the flood plane removed from their property.
- Cindy Roybal asked if trail plans had been eliminated in the new plan (they had not). Also, why the road on the south end of the current plan could not be moved to accommodate more large lots.
- Jim Talbot was concerned that the developer was not complying with existing development agreement requirements. He felt there should be an obligation to hold to previous promises.
- Bart Hill stated the home elevations planned for the subdivision were very nice, especially with landscaping plans. However, assurances given existing property owners regarding the number of large lots should be honored.
- Jordan White felt that the change from 15 large lots to 3 could not be justified.
- Chairman Forsgren stated the development agreement was in place and should not be disregarded. If changes to the development agreement were appropriate, they should be very carefully considered. The City Council had required 25 percent of the lots to be one-half acre or more. That requirement should be upheld. The quality of the homes planned was very good. If the problems with the site plan can be resolved, the development will be very good, especially with the trail and open space improvements.

**Mr. Petersen** responded to some of the issues raised. Several years ago, Susan Holmes had taken a survey of the existing homes in west Farmington (approximately 100). Only 30 percent owned large animals, meaning that 70 percent of the property owners were there because they enjoyed the rural atmosphere. The ambiance of the area is very important to those who live there. Mr. Petersen said that when Candland Olsen came in with the original plans to develop the land in question, it was suggested that he design the site plan to include both large and small lots in order to appeal to two different markets: quarter acre lots for those who liked the ambiance and half acre for those who wished to own large animals. The City Council decided to require 15 lots over one-half acre in Farmington Creek Estates. There are wet lands and other sensitive property within the subdivision area. It may be wise for the Planning Commission members to inspect the property. The chart included in the packet titled "Development Plan Comparison Table" referred to the overall 36-acre development including all phases. The

resolution of the flood plane issue was included as a requirement before the final phase could be approved. The road standards for any new road in the west Farmington area have recently been upgraded. The trail for the subdivision runs parallel to the railroad track. The open foundation hole on the lot in Phase II happened because the footings were poured below approved elevations. When the discrepancy was discovered there was a stop work order placed on construction. Mr. Petersen said he would contact the Building Department to see if the safety issues could be resolved.

### **Motion**

**Jim Talbot** moved that the Planning Commission deny the application by Blakewood Development, LLC, for a recommendation to amend the Farmington Creek Estates, Phase II, Planned Unit Development Master Plan located southwest of Country Lane, north of Glover's Lane, and west of the old Denver & Rio Grande railroad tracks. **Cory Ritz** seconded the motion, which passed by unanimous vote.

**Chairman Forsgren** commented to the developer that the motion was not to indicate that the quality of the homes and the amenities planned were in question by members of the Planning Commission. Rather, the residents in the area raised valid concerns regarding the existing development agreement and promises that had been made. If the development agreement were to be amended, it would have to be addressed through proper procedures including public hearings.

In response to a question, **Mr. Petersen** stated that it was the burden of the developer to provide names of property owners within 300 feet of a property in question for notification of public hearings. Those wishing to be added to the list should contact his office. He also commented that the Planning Commission action just taken was a recommendation. For the information of interested citizens, Mr. Petersen stated that unless the developer withdrew his application, the City Council will hear the agenda item on May 21st.

### **Findings**

1. The proposed development plan did not comply with the existing Development Agreement.
2. Residents felt promises had been made which were now being broken.
3. The development plan was not consistent with the rural nature of west Farmington.
4. Planning Commission members asked that the record show that the developer was obligated to remove flood plane designation before proceeding with the final phase of the development.
5. The development plan is not consistent with the Farmington City General Plan.

**GLEND A RIGBY AND RANDY RIGBY REQUEST FOR PRELIMINARY PLAT  
APPROVAL FOR MILLER MEADOWS SUBDIVISION LOCATED APPROXIMATELY  
600 SOUTH AND 650 WEST (Agenda Item #3)**

**Background Information**

No major differences exist between this preliminary plat and the schematic plan previously recommended by the Planning Commission except that the total number of lots decreased from 87 to 86 and a proposed stub street has been placed to provide access to properties north of the project. (This was a requirement by the City Council.)

END OF PACKET MATERIAL.

**Mr. Petersen** briefly reviewed the agenda item, saying the preliminary plat was basically the same as the schematic plan. The major difference was a decrease of building lots from 87 to 86.

The Planning Commission discussed the request, including the following points:

- ▮ By consensus, Commission members expressed their appreciation for quality of the site plan design.
- ▮ The developer had met with all City requirements for the subdivision and had exceeded conditions for open space because of the four large pasture lots.
- ▮ Mr. Ritz asked that there be a note placed on all recorded lots informing potential buyers that they will be living in an area where there is horse property and farm land uses.

**Mr. Petersen** stated the development will take place in phases. He suggested the Planning Commission consider having the developer enter into a development agreement with the City to memorialize the entire plan.

**Randy Rigby** (developer) stated the Army Corp of Engineers had stipulated that the property was non-jurisdictional irrigation property and not wet lands.

**Motion**

**Jordan White** moved that the Planning Commission grant preliminary plat approval subject to all Farmington City development standards and ordinances and the following conditions:

1. Identify the width and provide a road cross section for 650 West Street.

2. Show the location of all isolated trees worthy of preservation with a trunk diameter of 4 inches or greater within the boundary of the subdivision.
3. Provide preliminary runoff calculations and location, size, and outlets of the drainage system.
4. Prepare a soils report based upon adequate test borings and excavation prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah. The soil report shall include among other things a description of the soil types and characteristics on the site, describe whether or not ground water is encountered in any of the test borings and at what elevation it was encountered, and shall identify the location of any seismic zones or flood zones on the property.
5. The developer shall enter into a Development Agreement with the City to memorialize the site plan (or preliminary plat) for the entire project.
6. A note shall be placed on all recorded lots indicating the property is within a rural area wherein horse property and farm uses are prevalent.

**Bart Hill** seconded the motion, which passed by unanimous vote.

### **Findings**

1. The developer had fully cooperated with all requirements set by the City.
2. The design of the subdivision is pleasing and will enhance the west Farmington neighborhood.
3. Open space requirements have been exceeded.
4. It is consistent with the General Plan.

**BOYER WHEELER FARM, L.C. AND S. DAVID PLUMMER REQUEST FOR SITE PLAN APPROVAL TO DEVELOP "BUFFALO RANCH," AN UPSCALE COMMERCIAL THOROUGHBRED HORSE BREEDING OPERATION, ON 287.695 ACRES LOCATED WEST OF THE FARMINGTON RANCHES SUBDIVISION AT APPROXIMATELY 2100 WEST CLARK LANE IN AN AGRICULTURE ZONE (C-4-03) (Agenda Item #4)**

**Chairman Forsgren** declared a possible conflict of interest regarding the agenda item. He did not participate in discussion of the issues.

**David Petersen** reviewed the agenda item. He stated there were a few elements of the application left undone. The City still needed the utility plans and grading and drainage plans.

Mr. Petersen discussed the changes being proposed by the applicant. A new project Master Plan for the Farmington Ranches Development was presented to the Planning Commission for a recommendation. Due to the proposed Buffalo Ranch development, the lot layout of Phase 7 and 8 of the subdivision changed, but the overall lot sizes remained almost the same:

1. 83 single-family lots comprising one acre or more.
2. 46 single-family lots comprising one-half to one acre.
3. 46 single-family lots comprising 20,000 square feet to one-half acre.
4. 365 single-family lots comprising 10,000 to 20,000 square foot lots.
5. 413 acres of open space (Mr. Petersen stated that the actual open space will exceed 413 acres).
6. One church site.
7. One elementary school site.

In his opinion, the overall plan was a better plan than the original. Mr. Petersen had done several site inspections, including a recent trip with David Plummer to view the “staked” trail alignment. He asked the Planning Commission to consider: 1) a recommendation of the amended Project Master Plan for the entire 719 acre Farmington Ranches Development including the Buffalo Horse Ranch property, and 2) site plan approval for the Buffalo Ranch. Mr. Petersen suggested the Planning Commission grant approval subject to acquisition of appropriate permits from the Army Corp of Engineers regarding wetland designations. Mr. Petersen also reported that the City Council had considered an amendment to the Development Agreement during their previous Council meeting and decided to take additional time to study proposals completely. In response to a question, Mr. Petersen stated that the vacation of the entire Clark Lane right-of-way was tied to establishment of the trail easement. Requirements of the conditional use permit included a conservation easement (or easements) acceptable to the City which was to be placed over the entire Buffalo Ranch site.

**Mr. Talbot** raised an issue involving the proximity of the horse ranch facility buildings to the high power line corridor. He wanted to make sure the power lines did not pose a safety problem for people or animals. He asked if it would be possible for the builder to consider moving the buildings to the west to avoid the power line corridor. The City wanted to make sure the business was viable and successful. It may be beneficial to patrons to have the buildings moved.

**Mr. Young** stated that he knew the Power Company was considering installing a fourth power line through the corridor.

### **Motion**



**Cory Ritz** moved that the Planning Commission recommend that the City Council approve the amended Master Plan for the Farmington Ranches as proposed. **Cindy Roybal** seconded the motion, which passed by unanimous vote. Chairman Forsgren abstained.

**Sid Young** moved that the Planning Commission approve the site plan for the Buffalo Ranch, an upscale commercial thoroughbred horse breeding operation, on 287.695 acres located west of the Farmington Ranches subdivision at approximately 2100 West Clark Lane in an agriculture zone (C-4-03) subject to all requirements and laws enforced by the U.S. Army Corp Engineers and subject to all provisions of the Development Agreement between Farmington City and the Boyer Company, and all conditions set forth as part of the conditional use approval on April 24, Farmington Ranch Development. The motion also included a recommendation that the developer evaluate the possibility of moving the facilities away from close proximity to the high power line corridor for safety and other considerations.

**Bart Hill** seconded the motion, which passed by unanimous vote. Chairman Forsgren abstained.

#### **CITY COUNCIL REPORT AND MISCELLANEOUS**

##### **Temporary Nursery Retail Sales Business in the Parking Lot of the Shepard Pointe II Office Condominiums Located at 630 West Shepard Lane**

**Mr. Petersen** stated that recent events had made it advisable to look at reconsideration of a motion made in the Planning Commission's previous meeting. He reviewed the motion approving location of "Ruby's Begonia's" (temporary greenhouse pavilion for a nursery retail outlet) at the Shepard Pointe II Office Condominiums located at 630 West Shepard Lane in a BP zone. The Planning Commission had approved location of the pavilion on the east side of the office condominium with the understand that all condominium owners had given consent and in some cases actually believed the retail outlet would improve their own businesses. However, when the pavilion was being set up, one owner indicated he had never been consulted about the retail business and in fact was against the venture because of safety, parking, traffic, and liability concerns. That owner in opposition (Dr. Randall T. Roberts) had filed an appeal which stopped all proceedings and furtherance thereof for the nursery business. Mr. Petersen reviewed discussions with Dr. Roberts including possible relocation of the nursery on the office condominium property. Dr. Roberts indicated he would withdraw his appeal if all his concerns over traffic and pedestrian safety were addressed.

#### **Motion**

**Jim Talbot** moved that the Planning Commission reconsider a motion for conditional use and site plan approval to establish a temporary retail nursery sales business located at 630 West Shepard Lane. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

#### **Public Hearing**

**Chairman Forsgren** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Susan Holbrook** addressed the Planning Commission regarding her previous application, including the following points:

- ▮ According to her understanding, she had done all that was required and had obtained all permissions and filled all conditions to begin setting up her business, which she did on April 23<sup>rd</sup>. She had received a letter of permission from the office condominium, a conditional use permit from the City, and appropriate insurance coverage.
- ▮ On April 23<sup>rd</sup> she was approached by Dr. Roberts, who complained that he had never heard about the proposed business nor the site on which it was being placed. He had complaints about parking, traffic, and other concerns. He subsequently filed an appeal stopping all work on the temporary business.
- ▮ Ms. Holbrook said she talked with the major owner of the office condo and they worked out another location, at which point she understood that Dr. Roberts would rescind his appeal. She began moving the pavilion at great inconvenience. After the move, she found that Dr. Roberts had still not rescinded his appeal and she still could not open for business.
- ▮ Ms. Holbrook had tried to meet all conditions set by Dr. Roberts, including professional signage and other requirements. She felt that she was caught in the middle of a disagreement between the office condo owners.
- ▮ She had been closed for the two following weeks, losing business every day.

**Dr. Roberts** stated he would rescind the appeal if he could be assured he would not be held liable for any accident caused by the nursery business. He felt there were hazardous conditions created by the traffic associated with the nursery business.

### **Public Hearing Closed**

With no further comments, **Chairman Forsgren** closed the public hearing and asked the Planning Commission for their consideration. They discussed the issues, including the following points:

- ▮ Conditions of the appeal were discussed. Any aggrieved person could appeal the action taken by the Planning Commission within fifteen days of the action. The appeal did not have to come from a condo owner.
- ▮ The City cannot determine liability issues between private property owners.

- ⌞ The Planning Commission could approve relocation of the temporary business with conditions set forth in the original approval.
- ⌞ The location of the nursery at the Shepard Pointe Office Condominium site is not a good one. Last year, it was in the parking lot of Smith's. However, since there is currently road construction at that site, Ms. Holbrook opted to go to the condo site.
- ⌞ Ms. Holbrook has lost considerable time and money because of the delay.
- ⌞ All appeals are required to include reasons. Dr. Roberts reasons include: liability, traffic, safety, parking, and business compatibility issues.
- ⌞ Planning Commission members stated their desire to be fair to both parties. It did appear, however, that motives for the situation may include difficulties within the office condo ownership and not necessarily with the nursery business.

### **Motion**

**Cindy Roybal** moved to approve the relocation of the nursery retail business pavilion to between the buildings to the rear (north) of the parking lot, in front of the current dumpster area. The dumpster will be temporarily moved to a location easily accessible. The approval included all conditions set forth in the previous approval.

**Jim Talbot** seconded the motion, which passed by unanimous vote.

### **Certified Citizen Planner Seminary**

**Mr. Petersen** informed Planning Commission members of a Certified Citizen Planner Seminar to be held in North Salt Lake on May 22 and 23. The City will fund any Commission member who wishes to participate in the training.

### **City Council Meeting Report**

In regards to agenda item #5 of the City Council meeting (Consideration of possible amendment to BR Zone Text to permit small automobile dealerships), Mayor Connors directed the City Manager to ask the Planning Commission Chairman for about 2 names from the Planning Commission to serve on a committee to resolve issues and come to a common point of view. He also asked that the City Planner be directed to set the meeting as quickly as possible. After discussion, Jordan White and Bart Hill volunteered to meet on the committee.

The City Council amended the Impact Fees schedule for Farmington.

When discussing agenda item #9 (Kim Dunn request to amend the original townsite

moratorium ordinance), Mayor Connors stated that if the City Council was to consider adverse actions to Planning Commission recommendations, it would be well to create a “conference committee” to consider all issues and reach a common consensus. After discussion and consideration by the City Council, the Mayor declared the request had failed for lack of a motion.

Mr. Petersen stated that the City would be getting two new signal lights; one at Shepard Lane and Main Street, the other at Main Street and Burke Lane.

The City Council awarded the base bid for the Farmington Parks Improvements and Community Center to the E. K. Bailey Company.

### **ADJOURNMENT**

**Sid Young** moved to adjourn at 9:50 P.M.

---

*Kent Forsgren, Chairman*  
*Farmington City Planning Commission*